IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

MFA.No. 567 of 2001()

OPMV.1023/1996 of MOTOR ACCIDENT CLAIMS TRIBUNAL, OTTAPALAM
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APPELLANT:

MANOJ, S/O A.N.GANESH, AGED 26 YEARS,
MANOJ VIHAR, CHUDUVALATHUR POST,
SHORNUR, PALAKKAD.

BY ADV. SRI.O.P.NANDAKUMAR

RESPONDENTS:
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1. THE MANAGING PARTNER, MAYIL VAHANAM-
TRANSPORT SERVICE, SHORNUR-679 121

2. SALIM, S/O MOHAMMED SAHIB, AGED 31 YEARS,
LAKSHAM VEEDU, PUTHANOOR,
KOZHALMANNAM, PALAKKAD.

3. THE UNITED INDIA INSURANCE COMPANY LTD,
OTTAPALAM.

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K. BASHEER, JJ

M.F.A. 567/2001

Dated this the 15th day of October, 2007

JUDGMENT

Radhakrishnan, J

Claimant is the appellant. Claiming enhanced compensation this appeal has been preferred. Learned counsel for the appellant submits that he is a cine artist and he has sustained 10.8% of permanent disability in the accident. To establish the same, Ext.A46 disability certificate was produced. Tribunal has awarded an amount of Rs.6,000/- as compensation for loss of earning. Ext.A26 is the treatment certificate issued from Moulana Hospital, Perinthalmanna, where he was admitted on 9.9.1998 and discharged on 18.9.1998. Altogether 41 days he was in the hospital. Considering the nature of injuries he has sustained, we are inclined to award for the loss of earning an amount of Rs.10,000/- instead of Rs.6,000/-. For pain and suffering, Tribunal has awarded an amount of Rs.6,000/-. Considering the fact that he was hospitalised and had suffered severe pain, we are inclined to give an additional amount of Rs.10,000/- to the

appellant instead of Rs.6,000/-. Altogether we are inclined to give an additional compensation of Rs.20,000/- with 7.5% interest per annum from the date of petition till the date of payment.

Appeal is disposed of as above.

K.S.RADHAKRISHNAN
Judge

A.K. BASHEER
Judge

mrcs